

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Sapienza	Team: Squad #07	CCRB Case #: 202204053	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/13/2022 8:30 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 12/13/2023	Precinct: 67		
Date/Time CV Reported Mon, 06/13/2022 11:52 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/20/2022 2:01 PM		
Complainant/Victim	Type	Home Address			
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)			
Witness(es)	Home Address				
§ 87(2)(b)	§ 87(2)(b)				
Subject Officer(s)	Shield	TaxID	Command		
1. PO Robert Felts	15294	945712	067 PCT		
2. SGT Carrku Gbain	01494	951768	067 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. PO Vadim Medvedev	18204	958918	067 PCT		
2. PO Daniel McDonald	04473	949299	067 PCT		
3. PO Cesar Lopez	00235	949217	067 PCT		
4. PO Andy Paulino	24033	963202	067 PCT		
Officer(s)	Allegation	Investigator Recommendation			
A . PO Robert Felts	Force: Police Officer Robert Felts used physical force against § 87(2)(b)	§ 87(2)(b)			
B . PO Robert Felts	Abuse: Police Officer Robert Felts threatened § 87(2)(b) with the use of force.	§ 87(2)(b)			
C . PO Robert Felts	Abuse: Police Officer Robert Felts detained § 87(2)(b)	§ 87(2)(b)			
D . PO Robert Felts	Abuse: Police Officer Robert Felts threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)			
E . SGT Carrku Gbain	Abuse: Sergeant Carrku Gbain threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)			

Case Summary

On June 13, 2022, at 11:52 a.m., § 87(2)(b) filed this complaint with the Internal Affairs Bureau. It was received by the CCRB on June 20, 2022. (**Board Review 1**)

On June 13, 2022, at approximately 8:30 a.m., § 87(2)(b) and his children's mother, § 87(2)(b) got into a dispute at § 87(2)(b) in Brooklyn. § 87(2)(b) left the building with their children while § 87(2)(b) spoke to officers who were across the street. Police Officer Robert Felts and Police Officer Vadim Medvedev of the 67th Precinct arrived. The officers determined that it was a domestic dispute but that there was no assault involved, so § 87(2)(b) was not considered under arrest. PO Felts discovered that § 87(2)(b) had an active I-Card. § 87(2)(b) returned to § 87(2)(b) and PO Felts attempted to handcuff him using force (**Allegation A, Force**, § 87(2)(g) PO Felts pulled out his taser and pointed it at § 87(2)(b) multiple times (**Allegation B, Abuse of Authority**, § 87(2)(g) The officers handcuffed § 87(2)(b) and informed him that he had an open I-Card (**Allegation C, Abuse of Authority**, § 87(2)(g) The officers later determined that the I-Card was not active and let § 87(2)(b) go. § 87(2)(b) asked to make a complaint of assault against § 87(2)(b) The officers had already taken a complaint from § 87(2)(b) and told § 87(2)(b) they would not make another. PO Felts asked § 87(2)(b) if he needed to go to the hospital (**Allegation D, Abuse of Authority**, § 87(2)(g) Sergeant Carrku Gbain and Police Officer Andy Paulino of the 67th Precinct arrived at § 87(2)(b) § 87(2)(b) Sgt. Gbain spoke to PO Felts and § 87(2)(b) about the situation. § 87(2)(b) alleged that Sgt. Gbain threatened to remove him to the hospital (**Allegation E, Abuse of Authority**, § 87(2)(g)

The CCRB obtained body-worn camera footage from PO Felts (**Board Review 2**), PO Medvedev (**Board Review 3**), Sgt. Gbain (**Board Review 4**), PO Paulino, as well as from Police Officer Daniel McDonald and Police Officer Cesar Lopez of the 67th Precinct (**Board Review 5**).

Findings and Recommendations

Allegation (A) Force: Police Officer Robert Felts used physical force against § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Robert Felts threatened § 87(2)(b) with the use of force.

Allegation (C) Abuse of Authority: Police Officer Robert Felts detained § 87(2)(b)

In his statement to the CCRB (**Board Review 6**), § 87(2)(b) said that on June 13, 2022, he and § 87(2)(b) had gotten into an argument at § 87(2)(b) and § 87(2)(b) had begun to hit him hard enough that he had scratches and marks on his face. § 87(2)(b) called 911 to report the incident. While waiting for the officers to arrive, he took his and § 87(2)(b) children to a store that was about two blocks away to get snacks and drinks for them for school. When he came back from the store, PO Felts and PO Medvedev were outside of § 87(2)(b) § 87(2)(b) PO Felts immediately approached § 87(2)(b) and grabbed him by his wrist, pulling it straight back. PO Felts did not ask him any questions. § 87(2)(b) asked PO Felts what was going on and started to back up, and PO Felts pulled § 87(2)(b) arm back even more. § 87(2)(b) had a previous wrist injury that was aggravated by this and left § 87(2)(b) in pain and unable to work. He had marks on his wrists for about three days. PO Felts told § 87(2)(b) to "shut up" and refused to answer § 87(2)(b) questions. As PO Felts continued to pull his arm back, § 87(2)(b) took a step backwards. PO Felts pulled out his taser, pointed it directly at § 87(2)(b) face, and said, "If you don't shut up, I'll shoot you in the face" and "stop, stop or I'll shoot you." § 87(2)(b) children were standing nearby and were very distraught. § 87(2)(b) responded and said, "I'm not resisting, chill, put that gun away, my kids are right there." PO Felts did not respond to § 87(2)(b) complaints and instead yelled at § 87(2)(b) kids to "get inside." PO Felts and PO Medvedev then handcuffed § 87(2)(b)

The officers told § 87(2)(b) that he was being arrested for an I-Card. § 87(2)(b) told the officers that he knew about the I-Card and that it wasn't open. The officers called the 63 Precinct and were told that § 87(2)(b) was not needed anymore, so they took the handcuffs off and let him leave.

The first 30 minutes of PO Felts's body-worn camera footage (**Board Review 2**) shows him and PO Medvedev speaking to § 87(2)(b) and creating a Domestic Incident Report. They determine that § 87(2)(b) did not assault § 87(2)(b) and that he is not considered under arrest. At the 31:30 mark, PO Felts shows § 87(2)(b) his phone and asks if it is a picture of § 87(2)(b) she says yes. PO Felts shows PO Medvedev his phone and says that § 87(2)(b) has an I-Card. § 87(2)(b) asks the officers to look on the roof for § 87(2)(b) and their children. They did not find him. § 87(2)(b) points out § 87(2)(b) vehicle and the officers look around it and check to see if it is properly registered. At the 37:48 mark, PO Felts is outside of § 87(2)(b) with PO Medvedev and § 87(2)(b) when § 87(2)(b) walks up to the building with their children. PO Felts tells § 87(2)(b) to take her children inside because he is going to arrest § 87(2)(b) approaches with the children and asks if the cops he called were there. He sees the officers and says that § 87(2)(b) attacked him first. PO Felts immediately grabs § 87(2)(b) by the shoulders and tells the children to go inside. PO Medvedev tells § 87(2)(b) that "it's not about that." § 87(2)(b) asks PO Felts why he was putting his hands on him and moves away, and PO Felts pulls out his taser and points it at § 87(2)(b) and tells him to not move. § 87(2)(b) tells the officers he's not going anywhere, and PO Felts tells him to stop and listen. Both officers attempt to handcuff § 87(2)(b). At the 38:38 mark, PO Felts pulls out his taser again, points it at § 87(2)(b) chest, and says, "if you move one more time, I'm tasing you." § 87(2)(b) says to the officers multiple times that he will let them handcuff him and puts his hands behind his back. PO Felts tells PO Medvedev to handcuff § 87(2)(b). After, PO Felts points the taser at § 87(2)(b) again and says, "put your hands behind your back, you move one more time, I'm tasing you."

After § 87(2)(b) is handcuffed, at the 45:53 mark, PO Felts says he needs to call the phone number on the I-Card, and that it says § 87(2)(b) is a suspect. PO Felts calls the 63 Precinct and says that he has a suspect that they were looking for. At 54:41, the detective called back and informed PO Felts that the I-Card was not active and he no longer needed to speak to § 87(2)(b). PO Felts relayed this message to § 87(2)(b) and PO Medvedev removed his handcuffs.

In PO Felts's statement to the CCRB (**Board Review 7**) he said that he and his partner were relieving a different unit for a crime location at Brooklyn Avenue and Newkirk Avenue. There had been two 911 calls for a dispute within a building, § 87(2)(b). Upon arriving, there was a female complainant, § 87(2)(b) who spoke to the previous officers before PO Felts and PO Medvedev arrived. § 87(2)(b) stated that a dispute had occurred at her home across the street. There were two 911 calls at the location about the same incident. § 87(2)(b) told the officers that she had been trying to leave the building to speak to them and § 87(2)(b) prevented her by pulling her up a flight of stairs. Based on what § 87(2)(b) had told them, PO Felts determined it was just a harassment complaint report as well as a domestic incident report. Since it was a domestic situation, PO Felts did a search for both individuals to look up their histories. § 87(2)(b) had an open I-Card for suspect of a robbery, wanted by the 63 Precinct detective squad. PO Felts believed there was probable cause on the I-Card, but could not specifically recall. § 87(2)(b) also had an EDP and arrest history.

After completing the complaint, § 87(2)(b) and the officers went outside of the building. § 87(2)(b) saw § 87(2)(b) coming back to the building with their children. At this point, PO Felts considered § 87(2)(b) under arrest because of the open I-Card. PO Felts grabbed § 87(2)(b) by his arm and § 87(2)(b) was moving his arms and not allowing the officers to handcuff him. PO Felts thought that § 87(2)(b) was not aggressively resisting but was still avoiding the handcuffs. § 87(2)(b) was complaining that he had been assaulted and PO Felts tried to explain that he was not being arrested for the incident with § 87(2)(b). PO Felts then pulled out his taser to gain § 87(2)(b) compliance without having to use force.

Patrol Guide procedure 208-02 (**Board Review 8**) details the protocol for removing arrested persons for processing. It states that officers should “effect arrest in a tactically safe manner, and inform prisoner of authority and cause, unless physical resistance, flight, or other factors render such procedure impractical. ... The arrest of a parent/guardian of a child should be effected outside of the child's sight and hearing, if possible.” Patrol Guide procedure 221-01 (**Board Review 9**) explains force guidelines and says that “the primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody. Force may be used when it is reasonable to ensure the safety of a member of the service or third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody ... All members of the service at a police incident must use reasonable force, employ less lethal alternatives, and prioritize de-escalation, whenever possible.” Patrol Guide procedure 221-08 (**Board Review 10**) dictates proper taser usage and states to officers, “When feasible, issue an appropriate verbal warning, consistent with personal safety, to the intended subject and other members of the service present prior to discharging CEW. ... The verbal warning may be used in conjunction with laser/arc warnings in order to gain voluntary compliance and prevent the need to use force.”

Patrol Guide Procedure 208-23 (**Board Review 18**) outlines proper procedure when officers come across individuals with open I-Cards (Investigation Cards). When an individual is not under arrest, an officer must determine if they are a subject of an I-Card by conducting a name check. The officer then must determine if the individual is listed as “Perpetrator - Probable Cause to Arrest,” “Suspect - No Probable Cause to Arrest,” or “Witness.” The officer must contact the detective listed as the issuer of the I-Card to confirm the validity of the I-Card. The procedure states, “DO NOT handcuff or otherwise physically restrain individual if Investigation Card is described as “Suspect Only - No Probable Cause to Arrest” or “Witness.””

In this situation, § 87(2)(b) was trying to make a domestic violence complaint against § 87(2)(b). PO Felts and PO Medvedev spoke to § 87(2)(b) and generated a Domestic Incident Report. The officers determined that no crime occurred, and § 87(2)(b) did not need to be arrested. PO Felts determined that there was an open I-Card where § 87(2)(b) was listed as a “Suspect.” PO Felts decided to arrest § 87(2)(b) pursuant to this I-Card and stated as much to § 87(2)(b) when § 87(2)(b) arrived with their children. The Patrol Guide clearly states that officers should not handcuff or restrain individuals listed as suspects on I-Cards. Between the moment when PO Felts shows the I-Card to § 87(2)(b) and when § 87(2)(b) arrives at the apartment building, PO Felts and PO Medvedev conducted a search of the apartment building, looked around § 87(2)(b) car, and checked his vehicle registration. At no point does PO Felts call the detective who issued the I-Card. When § 87(2)(b) approached the officers, he asked them if the police he called have arrived yet and shows them the scratches on his face. PO Felts grabbed § 87(2)(b) and then threatened to use a taser when § 87(2)(b) questioned what was happening. The officers’ investigation had already determined that § 87(2)(b) was not under arrest for the domestic incident, and that he was a “Suspect” on an active I-Card. Despite having plenty of time before § 87(2)(b) arrived back on the scene, PO Felts never contacted the 63 PCT detective squad to confirm the validity of the I-Card before restraining and handcuffing § 87(2)(b) as set forth in Patrol Guide 208-03. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Robert Felts threatened to remove § 87(2)(b) to the hospital.

In § 87(2)(b) statement to the CCRB (**Board Review 6**) he said that after he was placed in handcuffs, the officers explained to § 87(2)(b) that the reason why they treated him like this was because they had looked him up and saw that he had a “long, extensive record.” The officers then took § 87(2)(b) into the lobby of § 87(2)(b). While in the building, the officer’s told § 87(2)(b) he had an I-Card. § 87(2)(b) explained to the officers that the I-Card was two years old and that a detective from the 63rd Precinct informed him a month ago that they no longer needed him anymore. PO Felts and PO Medvedev are from the 67th Precinct. § 87(2)(b) asked PO Felts to call the 63rd Precinct to confirm that they no longer needed him for questioning. PO Felts called a detective from the 63rd Precinct. The detective told PO Felts that they did not want to arrest § 87(2)(b) did not need him for questioning, but they were having issues removing the I-Card from § 87(2)(b) record. After the call with the 63rd Precinct, the officers removed the handcuffs from § 87(2)(b). After the officers removed the handcuffs, § 87(2)(b) requested to make a complaint against § 87(2)(b) for assaulting him. The officers would not allow him to file a report and told § 87(2)(b) that the incident was nothing more than a verbal argument. § 87(2)(b) showed the officers the scratches on his face as proof that it was not just a verbal argument, but the officers would not listen and refused to make a report. § 87(2)(b) then called 911 to make a report against § 87(2)(b). A sergeant, Sgt. Gbain, arrived at the scene in response to this call around 10 a.m. and approached PO Felts, who was still standing outside of § 87(2)(b). As § 87(2)(b) began to ask to file a complaint with the sergeant, showing him the scratches on his face, the sergeant did not react and refused to help him. § 87(2)(b) became increasingly frustrated with the officer’s refusal to make a report and continued to pursue a request for a report. As § 87(2)(b) continued to ask to make a complaint against § 87(2)(b) the sergeant started mocking him saying “If you don’t leave or go away, we will get you evaluated. What is wrong with you, is there something wrong with you?” The Sergeant also repeatedly asked “do you need an ambulance?” § 87(2)(b) grew frustrated with the situation and called 911 again.

Upon review of body-worn camera footage, it was determined that PO Felts says many things consistent with the allegations § 87(2)(b) made against Sgt. Gbain, so these allegations are plead against both PO Felts and Sgt. Gbain. After determining that § 87(2)(b) was not needed by the detective on the I-Card, § 87(2)(b) requests to file a complaint about § 87(2)(b). PO Felts said that they already filled a report for the incident, but § 87(2)(b) wants to file his own complaint. In PO Felts’s body-worn camera footage (**Board Review 2**) at the 1:08:54 mark, § 87(2)(b) is on the phone with 911, asking for a supervisor to come to the scene because PO Felts and PO Medvedev won’t take his complaint. PO Felts says to § 87(2)(b) “you do got an EDP history I’ve noticed. You need an ambulance to go to the hospital? To go to the psych ward? For a psych evaluation?” § 87(2)(b) says, “I do, I do.” and then says to the 911 operator that he was on the phone with, “now he’s calling me fucking crazy.”

In his statement to the CCRB (**Board Review 7**), PO Felts confirmed that he and § 87(2)(b) argued about calling other officers to the scene to make a police report for the incident. PO Felts denied calling § 87(2)(b) crazy or hear any officer call him crazy. Aside from § 87(2)(b) movements and his irrationality, PO Felts also believed that § 87(2)(b) might be an EDP because he kept trying to enter § 87(2)(b) after the officers told him he could not. PO Felts said that he did not recall asking § 87(2)(b) if he wanted to go to the hospital before the sergeant arrived on scene. PO Felts reviewed his own body-worn camera footage (**Board Review 2**) starting from the 1:08:05 mark. PO Felts interrupted to point out that § 87(2)(b) was being irrational. After viewing the BWC, PO Felts admitted that he asked § 87(2)(b) if he needed to go to the hospital for a psych evaluation before Sgt. Gbain arrived on scene. PO Felts described § 87(2)(b) behavior as irrational because he wanted to make a complaint to different officers when officers were already present. PO Felts said that he brought up § 87(2)(b) EDP history because of this irrational behavior and because § 87(2)(b) would alternate between being calm and aggressive.

Patrol Guide procedure 221-13 (**Board Review 11**) defines an EDP (Emotionally Disturbed Person) as a “person who appears to be mentally ill or temporarily deranged and is conducting

himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.” When an officer reasonably believes that a person should be considered EDP, the person “must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others.”

PO Felts never felt that § 87(2)(b) was a threat to himself or others. Alternating between calm and aggressive and trying to enter a building against officers’ commands does not rise to the level of appearing mentally ill, deranged, or indicate any likelihood of causing serious injury. § 87(2)(g)

§ 87(2)(b) Rather, this comment demeaned and mocked § 87(2)(b) who was expressing frustration that the officers would not listen to his side of the story. § 87(2)(g)

Allegation (E) Abuse of Authority: Sergeant Carrku Gbain threatened to remove § 87(2)(b) to the hospital.

As stated above, in his statement to the CCRB (**Board Review 6**), § 87(2)(b) alleged that the sergeant on scene repeatedly asked him if he needed an ambulance.

In Sgt. Gbain’s statement to the CCRB (**Board Review 12**), he says that he spoke to § 87(2)(b) about going to the hospital. Sgt. Gbain had been debating whether he wanted to bring § 87(2)(b) to the hospital as an EDP, due to two factors: § 87(2)(b) not wanting to go make a report to the first officers he saw, and § 87(2)(b) calling the police twice while officers were already present. § 87(2)(b) was sitting on the curb and Sgt. Gbain asked him, “do you want to go to the hospital?” § 87(2)(b) asked why he would have to go to the hospital. Sgt. Gbain said that he was just asking § 87(2)(b) if he wanted the option. § 87(2)(b) said that he did not want to go to the hospital. After this, § 87(2)(b) walked off. He seemed upset but was not violent.

In Sgt. Gbain’s body-worn camera footage (**Board Review 4**), § 87(2)(b) speaks to Sgt. Gbain, but Sgt. Gbain never discusses going to the hospital with him. There is some time in which Sgt. Gbain speaks to § 87(2)(b) but it is not caught on body-worn camera footage.

Patrol Guide procedure 221-13 (**Board Review 11**) defines an EDP (Emotionally Disturbed Person) as a “person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.”

Sgt. Gbain did not state that § 87(2)(b) was acting in a manner that was likely to result in serious injury to anyone, but he did believe § 87(2)(b) behavior was “strange.” Sgt. Gbain only asked § 87(2)(b) if he would like to have the option to go to the hospital. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party. (**Board Review 13**)
- Sgt. Gbain has been a member of service for ten years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO Felts has been a member of service for 14 years and has been a subject in 17 CCRB complaints and 34 allegations, of which 2 were substantiated: (**Board Review 15**)

- Case 202103608 involved substantiated allegations of Abuse of Authority and Force against PO Felts. The Board recommended Command Discipline B for both, and the NYPD has not yet imposed discipline. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of September 14, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**Board Review 16**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 7

Investigator:	Julia Sapienza	Julia Sapienza	September 11, 2023
	Signature	Print Title & Name	Date
Squad Leader:		Manager Vanessa Rosen	September 11, 2023
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date